IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

OP.No. 2717 of 2001(W)

PETITIONER:

VETTOOR COIR VYAVASAYA CO-OPERATIVE SOCIETY
LTD.NO. T. 535, MELVELLOOR P.O.,
VARKALA, TRIVANDRUM, REP. BY ITS SECRETARY.

BY ADV. SRI.M.RAMASWAMY PILLAI
SRI.P.C.HARIDAS
SRI.VINOD J.DEV

RESPONDENTS:
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1. STATE OF KERALA, REP. BY ITS CHIEF SECRETARY,
GOVERNMENT SECRETARIAT, TRIVANDRUM.

2. UNION OF INDIA, REPRESENTED BY ITS SECRETARY,
TO THE DEPARTMENT OF LABOUR, NEW DELHI.

3. THE REGIONAL LABOUR COMMISSIONER AND
THE APPELLATE AUTHORITY UNDER THE PAYMENT OF
GRATUITY ACT. KOLLAM.

4. DISTRICT LABOUR OFFICER AND CONTROLLING AUTHORITY,
UNDER THE PAYMENT OF GRATUITY ACT.

5. DEPUTY TAHASILDAR (RR) CHIRAYINKEEZHU.

6. VILLAGE OFFICER, VETTOOR, CHIRAYINKEEZHU.

7. R.SANKARAN, THODIYIL CHEMPANKANNU,
VILABHAGAM, NEDUNGANDA, VARKALA.

BY ADV. SRI.M.RAJEEV, ADDL.CGSC
SRI.GOPAKUMAR R.THALIYAL
GOVERNMENT PLEADER SRI. P.N. SANTHOSH

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 27/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

O.P.2717/2001

APPENDIX

PETITIONER'S EXHIBITS:-

EXT.P1- TRUE COPY OF THE AWARD NO.48/90 DATED 2.4.93 OF THE INDUSTRIAL TRIBUNAL, KOLLAM.

EXT.P2- TRUE COPY OF THE NOTICE AND APPLICATION FROM THE 4TH RESPONDENT.

EXT.P3- TRUE COPY OF THE PETITION FILED BY THE 7TH RESPONDENT DATED 22.3.95.

EXT.P4- TRUE COPY OF THE WRITTEN STATEMENT OF OBJECTION DATED 2.1.98 BY THE PETITIONER.

EXT.P5- TRUE COPY OF THE ORDER DATED 25.5.1999 BY THE 4TH RESPONDENT.

EXT.P6- TRUE COPY OF THE APPEAL DATED 22.7.1999 BY THE PETITIONER.

EXT.P7- TRUE COPY OF THE STAY PETITION FILED ALONG WITH EXHIBIT P6.

EXT.P8- TRUE COPY OF THE NOTICE DATED 5.8.99 BY THE 3RD RESPONDENT.

EXT.P9- TRUE COPY OF THE NOTICES ISSUED BY THE 5TH RESPONDENT THROUGH 6TH RESPONDENT.

(TRUE COPY)

P.A TO JUDGE

J.M.JAMES, J.

O.P. 2717/2001

Dated this 27th day of November, 2006

JUDGMENT

The writ petitioner is the society. The seventh respondent was an employee under it, and he was entitled for a gratuity amount of Rs.11,249/-, as he had put in 13 years of continued service. This had been challenged by the Society before the Court of 'Controlling Authority' under the Payment of Gratuity Act, 1972, (District Labour Officer, Thiruvananthapuram), in a proceedings, G.C. No.5/1995.

2. Under Ext.P5 order dated 25.5.1999, the petitioner was directed to pay an amount of Rs.11,249/- as gratuity due to the applicant, with 10% simple interest, from the date on which it fell due, within thirty days of the date of receipt of the order. It is submitted by either side that the gratuity became due from 22.7.1998. It is also submitted that the appeal, preferred by the writ petitioner, had been dismissed as per the order dated

5.5.2000. There is no challenge to the same. Hence Ext.P5 order dated 25.5.1999 became final.

3. When the O.P was filed by the writ petitioner, Society, an amount of Rs.6,000/- was directed to be remitted, as a condition precedent to the granting of the stay, which the petitioner did on 23.2.2001 before the High Court of Kerala. The seventh respondent is entitled to receive the same.

4. Considering the submissions made by either side and the facts involved in this case, I dispose of this petition with the following conditions:-

(a). The writ petitioner shall calculate the total interest due on Rs.11,249/-, from 22.7.1988, as ordered in Ext.P5.

(b). An amount of Rs.6,000/-, remitted before the High Court of Kerala on 23.2.2001, shall be released to the seventh respondent.

(c). The balance gratuity amount due to the

seventh respondent, calculated as above, shall be paid within one month from today.

The writ petition is disposed of as above.

J.M.JAMES
JUDGE

mrcs